

105TH CONGRESS  
1ST SESSION

# H. R. 1428

To amend the Immigration and Nationality Act to establish a system through which the Commissioner of Social Security and the Attorney General respond to inquiries made by election officials concerning the citizenship of voting registration applicants and to amend the Social Security Act to permit States to require individuals registering to vote in elections to provide the individual's Social Security number.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 1997

Mr. HORN (for himself, Mr. DREIER, Mr. FOLEY, Mr. BILBRAY, Mr. CALVERT, Mr. CUNNINGHAM, Mr. ENGLISH of Pennsylvania, Mr. GALLEGLY, Mr. LEWIS of California, Mr. McKEON, Mr. PACKARD, Mr. RIGGS, Mr. ROYCE, Mr. STEARNS, Mr. STUMP, Mr. TRAFICANT, and Mr. HUNTER) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on House Oversight and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Immigration and Nationality Act to establish a system through which the Commissioner of Social Security and the Attorney General respond to inquiries made by election officials concerning the citizenship of voting registration applicants and to amend the Social Security Act to permit States to require individuals registering to vote in elections to provide the individual's Social Security number.

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1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Voter Eligibility Ver-  
5       ification Act”.

6       **SEC. 2. VOTER ELIGIBILITY CONFIRMATION SYSTEM.**

7       (a) IN GENERAL.—Title IV of the Immigration and  
8       Nationality Act (8 U.S.C. 1101, note) is amended by in-  
9       serting after the chapter heading for chapter 1 the follow-  
10      ing:

11               “VOTER ELIGIBILITY CONFIRMATION SYSTEM

12              “SEC. 401. (a) IN GENERAL.—The Attorney General,  
13      in consultation with the Commissioner of Social Security,  
14      shall establish a confirmation system through which  
15      they—

16                      “(1) respond to inquiries made to verify the  
17      citizenship of an individual who has submitted a  
18      voter registration application, by Federal, State, and  
19      local officials (including voting registrars) with re-  
20      sponsibility for determining an individual’s qualifica-  
21      tion to vote in a Federal, State, or local election; and

22                      “(2) maintain a record of the inquiries that  
23      were made and of verifications provided (or not pro-  
24      vided).

25              “(b) INITIAL RESPONSE.—The confirmation system  
26      shall provide for a confirmation or a tentative noncon-

1 firmation of an individual’s citizenship by the Commis-  
2 sioner of Social Security as soon as practicable after an  
3 initial inquiry to the Commissioner.

4 “(c) SECONDARY VERIFICATION PROCESS IN CASE  
5 OF TENTATIVE NONCONFIRMATION.—In cases of ten-  
6 tative nonconfirmation, the Attorney General shall specify,  
7 in consultation with the Commissioner of Social Security  
8 and the Commissioner of the Immigration and Naturaliza-  
9 tion Service, an available secondary verification process to  
10 confirm the validity of information provided and to provide  
11 a final confirmation or nonconfirmation as soon as prac-  
12 ticable after the date of the tentative nonconfirmation.

13 “(d) DESIGN AND OPERATION OF SYSTEM.—The  
14 confirmation system shall be designed and operated—

15 “(1) to be used on a voluntary basis, as a sup-  
16 plementary information source, by Federal, State,  
17 and local election officials for the purpose of assess-  
18 ing the eligibility of voter registration applicants,  
19 and administering voter registration, through citi-  
20 zenship verification;

21 “(2) to respond to an inquiry concerning citi-  
22 zenship only in a case where determining whether an  
23 individual is a citizen is—

1           “(A) necessary for determining whether  
2           the individual is eligible to vote in an election  
3           for Federal, State, or local office; and

4           “(B) part of a program or activity to pro-  
5           tect the integrity of the electoral process that is  
6           uniform, nondiscriminatory, and in compliance  
7           with the Voting Rights Act of 1965 (42 U.S.C.  
8           1973 et seq.);

9           “(3) to maximize its reliability and ease of use,  
10          consistent with insulating and protecting the privacy  
11          and security of the underlying information;

12          “(4) to permit inquiries to be made to the sys-  
13          tem through a toll-free telephone line or other toll-  
14          free electronic media;

15          “(5) to respond to all inquiries made by author-  
16          ized persons and to register all times when the sys-  
17          tem is not responding to inquiries because of a mal-  
18          function;

19          “(6) with appropriate administrative, technical,  
20          and physical safeguards to prevent unauthorized dis-  
21          closure of personal information; and

22          “(7) to have reasonable safeguards against the  
23          system’s resulting in unlawful discriminatory prac-  
24          tices based on national origin or citizenship status,

1 including the selective or unauthorized use of the  
2 system.

3 “(e) RESPONSIBILITIES OF THE COMMISSIONER OF  
4 SOCIAL SECURITY.—

5 “(1) IN GENERAL.—As part of the confirmation  
6 system, the Commissioner of Social Security shall  
7 establish a reliable, secure method, which compares  
8 the name and social security account number pro-  
9 vided in an inquiry against such information main-  
10 tained by the Commissioner in order to confirm (or  
11 not confirm) the validity of the information provided  
12 regarding an individual whose identity and citizen-  
13 ship must be confirmed, the correspondence of the  
14 name and number, and whether the individual is a  
15 citizen of the United States. The Commissioner shall  
16 not disclose or release social security information  
17 (other than such confirmation or nonconfirmation).

18 “(2) PROVISION OF ALIEN IDENTIFICATION  
19 NUMBER.—In cases of tentative nonconfirmation of  
20 an individual’s citizenship by the Commissioner of  
21 Social Security after an initial inquiry to the Com-  
22 missioner, the Commissioner, as part of the con-  
23 firmation system, shall provide to the person making  
24 the inquiry any information the Commissioner main-  
25 tains regarding an alien identification or authoriza-

1       tion number for the individual established by the Im-  
2       migration and Naturalization Service. The Attorney  
3       General, in consultation with the Commissioner,  
4       shall specify the information to be provided under  
5       this paragraph.

6       “(f) RESPONSIBILITIES OF THE COMMISSIONER OF  
7       THE IMMIGRATION AND NATURALIZATION SERVICE.—As  
8       part of the confirmation system, the Commissioner of the  
9       Immigration and Naturalization Service shall establish a  
10      reliable, secure method, which compares the name and  
11      alien identification or authorization number described in  
12      subsection (e)(2) which are provided in an inquiry against  
13      such information maintained by the Commissioner in  
14      order to confirm (or not confirm) the validity of the infor-  
15      mation provided, the correspondence of the name and  
16      number, and whether the individual is a citizen of the  
17      United States.

18      “(g) UPDATING INFORMATION.—The Commissioners  
19      of Social Security and the Immigration and Naturalization  
20      Service shall update their information in a manner that  
21      promotes the maximum accuracy and shall provide a proc-  
22      ess for the prompt correction of erroneous information, in-  
23      cluding instances in which it is brought to their attention  
24      in the secondary verification process described in sub-  
25      section (c).

1       “(h) LIMITATION ON USE OF THE CONFIRMATION  
2 SYSTEM AND ANY RELATED SYSTEMS.—

3               “(1) IN GENERAL.—Notwithstanding any other  
4 provision of law, nothing in this section shall be construed to permit or allow any department, bureau,  
5 or other agency of the United States Government to  
6 utilize any information, data base, or other records  
7 assembled under this section for any other purpose  
8 other than as provided for under this section.

9               “(2) NO NATIONAL IDENTIFICATION CARD.—  
10 Nothing in this section shall be construed to authorize,  
11 directly or indirectly, the issuance or use of national  
12 identification cards or the establishment of a  
13 national identification card.

14               “(3) NO NEW DATA BASES.—Nothing in this  
15 section shall be construed to authorize, directly or  
16 indirectly, the Attorney General and the Commissioner of Social Security to create any joint computer  
17 data base that is not in existence on the date  
18 of the enactment of the Voter Eligibility Verification  
19 Act.

20               “(i) ACTIONS BY VOTING OFFICIALS UNABLE TO  
21 CONFIRM CITIZENSHIP.—

22               “(1) IN GENERAL.—In a case where an official  
23 who is authorized to receive information through use

1 of the confirmation system is unable, after comple-  
2 tion of the secondary verification process, to confirm  
3 the citizenship of an individual, the official—

4 “(A) shall so notify the individual in writ-  
5 ing; and

6 “(B) shall inform the individual in writing  
7 of the individual’s right to use—

8 “(i) the process provided under sub-  
9 section (g) for the prompt correction of er-  
10 roneous information in the confirmation  
11 system; or

12 “(ii) any other process for establishing  
13 eligibility to vote provided under State or  
14 Federal law.

15 “(2) REGISTRATION APPLICANTS.—In the case  
16 of an individual who is an applicant for voter reg-  
17 istration, and who receives a notice from an official  
18 under paragraph (1), the official may, subject to,  
19 and in a manner consistent with, State law, reject  
20 the application, or provisionally accept the applica-  
21 tion, pending the official’s receipt of adequate con-  
22 firmation of the citizenship of the individual.

23 “(3) VOTER REMOVAL PROGRAMS.—In the case  
24 of an individual who is registered to vote, and who  
25 receives a notice from an official under paragraph



1 (1) in connection with a program to remove the  
 2 names of ineligible voters from an official list of eli-  
 3 gible voters, the official may, subject to, and in a  
 4 manner consistent with, State law, remove the name  
 5 of the individual from the list, or grant the individ-  
 6 ual provisional voting status, pending the official's  
 7 receipt of adequate confirmation of the citizenship of  
 8 the individual.”.

9 (b) CLERICAL AMENDMENT.—The table of con-  
 10 tents of the Immigration and Nationality Act is amended  
 11 by inserting before the item relating to section 402 the  
 12 following:

“Sec. 401. Voter eligibility confirmation system .”.

13 **SEC. 3. PERMITTING STATES TO REQUIRE APPLICANTS**  
 14 **REGISTERING TO VOTE TO PROVIDE SOCIAL**  
 15 **SECURITY NUMBER.**

16 Clauses (i) and (vi) of section 205(c)(2)(C) of the So-  
 17 cial Security Act (42 U.S.C. 405(c)(2)(C)) are amended  
 18 by inserting “voter registration,” after “driver’s license,”.

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